

Chapter 17.68

SIGN REGULATIONS

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17.68.010 Compliance required. It shall be unlawful to erect or maintain any sign except in compliance with the requirements of this Chapter. Signs not in compliance with the provisions of this Chapter are hereby declared to be a nuisance which may be abated by the City in any lawful manner. Any sign on City property, including the right-of-way of Highways 50, 348, and 92, in violation of this Chapter may be confiscated by the City without notice. (Ord. 8 §1(16-17)(part), 1976; Ord. 32 §1(part), 1995)

17.68.020 Signs allowed without a permit. The following may be erected, maintained and used without a sign permit as long as they are properly maintained in accordance with the requirements of this Section 17.68.020 and Section 17.68.060 and with other applicable requirements of this Chapter, State law and City ordinances and regulations, and are not prohibited by Sections 17.68.030 or 17.68.040.

A. Official traffic control devices, signs and notices erected, owned and maintained by the United States, the State of Colorado, the City of Delta, or any of their political subdivisions for official government purposes; and flags of any such political subdivisions, unless used for the purpose of promoting commercial activity.

B. One or more signs with an aggregate sign face area of 10 square feet or less for the premises upon which they are located.

C. Works of art unless they are used to convey commercial speech.

D. Temporary decorations, displays, pennants, banners and flags, which are customarily displayed and associated with hunting season, civic events, or holidays.

E. Public utility warning signs, construction warning signs, and signs warning of other hazards, with no sign face larger than 10 square feet in area.

F. Identification signs incidental to the identification and use of vehicles attached to the vehicle.

G. Traffic control devices with no sign face larger than ten square feet.

H. Temporary real estate "For Sale" or "For Rent" signs with aggregate sign face area of no more than ten square feet. Such signs shall come down within 24 hours of the closing of the sale or lease. Subdivisions, Planned Unit Developments, and similar developments with more than one lot or unit being marketed together may utilize a single "For Sale" sign, with no more than 65 square feet of aggregate sign space area, in lieu of the individual signs allowed hereinabove on each lot or unit. This larger sign can be used until such time as 60 percent of the total lots or units in such development have been sold. One of these larger signs may be used at each street intersection accessing such development, or at one location within the development.

I. Signs within buildings, and temporary signs attached to the inside of a window.

J. Up to four temporary signs per premises per year with a maximum area of any sign face of ten square feet. No single sign shall be in place for more than 30 days per year.

K. Signs not visible from off of the premises upon which they are located.

L. Temporary signs utilized in association with the initial operation of a business during a period from ten (10) days before the business opening, until twenty (20) days after the business opening. (Ord. 8 §1(16-17)(part), 1976; Ord. 19, §2(part), 1980; Ord. 32 §1(part). 1995; Ord. 23, §1, 1996; Ord. 43, §1 & §2, 2001; Ord. 9, §13, 2004)

17.68.030 Prohibited signs and devices. The following are hereby prohibited if visible off of the premises upon which they are located:

A. Animated, rotating, moving, or flashing signs, except scroll signs with changing written messages, with less than 10 square feet of sign face.

B. Balloons or other wind-powered devices designed to attract attention, not including pennants, banners or flags, except when used for civic events up to a maximum of ten (10) days or as a temporary sign pursuant to Subsection 17.68.020(L), so long as they are kept within twenty (20) feet of ground level. This paragraph (B) shall not apply to balloons having a diameter of less than 24 inches or to any pennants, banners or flags.

C. Portable or wheeled signs and advertising devices located outside any building, except for temporary signs allowed pursuant to Subsection 17.68.020(J), or signs allowed pursuant to Section 17.68.080.

D. The operation of search lights to promote business activities.

E. Signs mounted directly to a roof. (Ord. 8 §1(16-17)(part), 1976; Ord. 32 §1(part), 1995; Ord. 43 §3, 2001; Ord. 12 §1, 2006)

17.68.040 Off premise signs restricted. A sign may identify or advertise only that activity or use conducted upon or related to the premises upon which the sign is located except in the following circumstances:

A. Directional signs owned by the City.

B. Signs allowed by Subsections 17.68.020(A), (D), (E) and (K).

C. Signs with a message devoted solely to ideological or political speech.

D. Tourist oriented directional signs owned and erected by the Colorado Department of Transportation pursuant to C.R.S. 43-1-420(3), which meet conditions set out in City resolutions as in effect from time to time.

E. Signs allowed pursuant to 17.68.070 or 17.68.080.

F. Signs at athletic fields with the sign face directed toward the playing field and stands.

G. Shopping centers located within the B-2 and B-3 zoning districts, which consist of more than one separate business which are operated as a single center, by virtue of shared access or parking, common ownership, or controlling covenants, may have a single collective sign related to any or all of the businesses on the shopping center premises, at any place on the center premises. (Ord. 8 §1(16-17)(part), 1976; Ord. 32 §1(part), 1995; Ord. 43 §5, 2001)

17.68.050 Permits.

A. Except for the signs specified in Section 17.68.020, no sign may be erected or structurally altered until a Sign Permit has been issued by the City. Applications for a sign permit shall be submitted to the City on forms supplied by the City accompanied by an application fee as set by City Council.

B. The City shall grant a permit only for signs which will be in compliance with the requirements of this Chapter.

C. 1. In all zoning districts, except the B-2 and B-3 Districts, the total Sign Face Area of signs required to have a permit shall not exceed the lesser of one square foot per foot of street frontage of the premises or 300 square feet; except that a minimum of fifty square feet of sign face area shall be allowed for each separate business. No single business or entity may have a sign with any face area larger than 150 square feet.

2. In B-2 and B-3 zoning districts, the total Sign Face Area of signs required to have a permit shall not exceed one square foot per foot of street frontage of the premises, except that a minimum of 100 square feet of sign face area shall be allowed for each separate business. Provided, however, only one side of any two-faced sign shall be counted towards the total Sign Face Area. No single business or entity may have a sign with any single face of the sign larger than 150 square feet. Shopping centers qualifying for a collective sign pursuant to 17.68.040(G) may count the center's street frontage in lieu of the street frontage of each business to determine allowable sign area for the center and its included businesses.

D. A Building Permit is also required for any structural work associated with a sign.

E. No sign requiring a permit shall be allowed in the R-R, R-1, or R-1A Use Districts, except for permanent subdivision entrance identification signs.

F. Signs advertising accessory home occupations shall also be subject to the limitations of subsection 17.04.240(A)(6).

G. Banners, pennants and flags are not eligible for a sign permit. (Ord. 8 §1(16-17)(part), 1976; Ord. 32 §1(part), 1995; Ord. 4, §3, 1999; Ord. 43 §7, 2001; Ord. 9, §12(part), 2004)

17.68.060 Performance criteria.

A. All signs shall meet the requirements of this Section whether a permit is required or not.

B. All signs shall be maintained in good, legible and safe condition.

C. No sign shall be erected or maintained which creates a traffic or other safety hazard, or which could be mistaken for an official traffic control device.

D. All signs shall be constructed and maintained in accordance with any applicable provisions of the City's building codes and other regulations.

E. All signs shall be erected and maintained in accordance with applicable requirements of State law.

F. No part of any sign attached to or within six feet of a building shall be higher than the line of the roof or parapet of the building.

G. No sign shall be higher than 35 feet above grade.

H. No sign may be erected or maintained which creates a public or private nuisance, or which unreasonably interferes with the reasonable enjoyment of the adjacent property by reason of unreasonable light, shade or other effects.

I. No sign face shall be larger than 150 square feet in area. No sign shall have more than two sign faces.

J. Signs may be erected only upon property which the sign owner has a legal right to erect such sign. (Ord. 16, 1994; Ord. 32 §1(part), 1995)

17.68.070 Signs over City right-of-way.

A. Signs other than signs belonging to the City may be erected over or upon City-owned streets and alley rights-of-way pursuant to a revocable permit issued pursuant to this Section only on the following conditions, in addition to other applicable requirements of this Chapter, including a Section 17.68.050 permit.

B. Signs in B-1 Use District:

1. The sign must be supported and attached to a building located in the B-1 Use District.

2. The sign may extend no more than five feet from the building. A sign may extend no closer than six feet from the curbline. No sign may extend over any roadway or alley.

3. No part of the sign may be less than eight feet above the ground over City right-of-way.

4. No more than one sign per business may extend over the City right-of-way.

5. No sign with its face parallel to the wall of the building to which it is attached, except for those printed on an awning, may extend more than twelve inches from the building, nor more than twelve inches over public property.

6. Plans for signs over City rights-of-way must be submitted reviewed and approved by the City.

7. The revocable permit may be revoked by the City at any time for any reason.

8. Proof of general liability insurance covering the City shall be provided to the City.

9. The sign may identify or advertise only that activity or use conducted upon or related to the property immediately abutting the sign.

C. Subdivision identification signs may be erected on City-owned right-of-way only pursuant to a revocable encroachment permit issued by the City and consistent with the subdivision plat and with appropriate provisions for perpetual maintenance by the property owners of the subdivision in question. (Ord. 32, §1(part), 1995; Ord. 9, §12, 2004)

17.68.080 Sandwich signs.

A. Portable sandwich signs which meet the following criteria may be allowed on Main Street City sidewalks in the B-1 Use District if a permit is approved by the City:

1. The sign may have a footprint no larger than 2' x 2' and be no more than 3' tall.

2. All signs, including frames, must be professional quality.

3. The signs may be located only upon sidewalks in a location which will not interfere with the opening of doors of vehicles parked within marked spaces or the ingress and egress of passengers therefrom, and within three feet of the curb.

4. The sign may identify or advertise only that activity or use conducted upon or related to the property immediately abutting the sign.

5. No more than one sign per premises is allowed.

B. An application on forms provided by the City must be submitted along with a fee as set by City Council.

C. The permit shall be revocable by the City at any time in its discretion.

D. The applicant must hold the City harmless and provide general liability insurance to cover the City.

E. The City may confiscate signs on City property which don't comply with applicable requirements without notice. (Ord. 32 §1(part), 1995)

17.68.090 General provisions.

A. The face area of a sign painted or hung on a wall of a building, or on an awning or structure, shall include all the area within a perimeter surrounding all words, symbols, designs and coloring, distinctive from the wall, awning, or structure upon which it is painted or hung.

B. As used in this Section, "Sign" means and includes any object, device or structure which is used to advertise, identify, display, direct, attract attention, or convey any message concerning any object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projection, and anything else commonly known as a "sign."

C. The intent and purpose of this Chapter is to:

1. Promote the public health, safety, and welfare.
2. Provide a reasonable opportunity on an equitable basis for advertisement and speech by signs.
3. Avoid the unnecessary, excessive, and expensive proliferation of signs.
4. Allow information to be promulgated to the public in a reasonable manner.

5. Protect the natural beauty and aesthetic attributes of the City.

6. Avoid safety or traffic hazards and nuisances. (Ord. 32 §1(part), 1995; Ord. 43 §6, 2001)

17.68.100 Nonconforming signs.

A. Signs which were lawfully erected and maintained in accordance with previously applicable City, County or State regulations which do not comply with all of the regulations of this Chapter as such is amended from time to time may continue to be used and maintained in accordance with the provisions of this Section 17.68.100.

B. All signs shall at all times be maintained in strict conformity with the performance criteria of subsections 17.68.060(B), (C), (D), (E), and (J). Any sign not in compliance with said subsections shall be removed.

C. The right to maintain a nonconforming sign, including frames and supports, shall be terminated and the sign removed or brought into full compliance with this Chapter under the following conditions:

1. Abandonment of the sign, abandonment or termination of the related business, or an interruption in continuance of the business for six months.

2. A violation of any of the provisions of subsection 17.68.100(B).

3. The destruction of the sign, removal of the sign or damage of the sign, such that the cost of replacement or repair is greater than 50 percent of the replacement cost of the original sign.

4. The creation of any additional violation of, or nonconformity with, this Chapter.

D. City may require any sign on City property to be removed at any time in its discretion. (Ord. 32 §1(part), 1995)